

IFW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Tsuyoshi KANEKO

Group Art Unit: 2828

Application No.: 10/665,447

Examiner: P. NGUYEN

Filed: September 22, 2003

Docket No.: 116898

For: SURFACE EMITTING SEMICONDUCTOR LASER AND MANUFACTURING
METHOD THEREOF, LIGHT MODULE, LIGHT TRANSMISSION DEVICE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

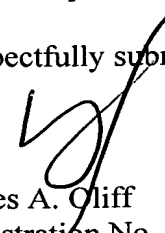
Sir:

In reply to the July 20, 2005 Restriction Requirement, Applicant provisionally elects
Group I, claims 1-19.

It is also respectfully submitted that the subject matter of all claims 1-21 is sufficiently
related that a thorough search for the subject matter of any one Group of claims would
encompass a search for the subject matter of the remaining claims. Thus, it is respectfully
submitted that the search and examination of the entire application could be made without
serious burden. See MPEP §803 in which it is stated that "if the search and examination of an
entire application can be made without serious burden, the examiner must examine it on the
merits, even though it includes claims to independent or distinct inventions" (emphasis
added). It is respectfully submitted that this policy should apply in the present application in
order to avoid unnecessary delay and expense to Applicant and duplicative examination by
the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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Date: July 28, 2005

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